

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

V.

BRYAN KENDALL MORRISON,

Defendant.

Case No. 1:08CR00024-015

ORDER

By: James P. Jones
United States District Judge

For the reasons set forth in the Opinion accompanying this Order, it is **ORDERED** as follows: (1) Bryan Kendall Morrison's Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255 (docketed as both ECF No. 2966 and No. 2970), is GRANTED as to his claim that his life sentence under 21 U.S.C. § 841(b)(1)(A) is unlawful under *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc); (2) Morrison's sentence is VACATED, effective upon resentencing by this court; and (3) the Clerk is DIRECTED to schedule a resentencing hearing with the defendant present, or, if he waives his presence, appearing by video from his place of confinement.

ENTER: July 11, 2013

/s/ James P. Jones

United States District Judge